

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Telecommunications Relay Services)	
and Speech-to-Speech Services for)	CC Docket No. 98-67
Individuals with Hearing and Speech Disabilities)	
)	
Americans with)	CG Docket No. 03-123
Disabilities Act of 1990)	

REPLY COMMENTS OF SBC COMMUNICATIONS INC.

SBC Communications Inc. ("SBC") hereby submits its reply comments in response to comments filed in the above-captioned proceeding.

I. INTRODUCTION AND SUMMARY

As the record overwhelmingly shows, the Commission should tread cautiously in this proceeding before mandating many of the requirements proposed in its Notice.¹ In most instances, technical infeasibility, low consumer demand, and cost considerations militate against adoption of the proposed additional minimum standards for TRS. To the extent the Commission's goal is to facilitate the introduction of new products and services into the TRS marketplace, government intervention is not required. Rather, the market should drive the availability of such services and enhancements in the TRS community. Below, SBC replies to several issues raised by Commenters in this proceeding.

II. NATIONAL SECURITY/EMERGENCY PREPAREDNESS FOR TRS FACILITIES

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, CC Docket No. 98-67, CG Docket No. 03-123 (rel. June 17, 2003)(*Notice*).

AND SERVICES

In its Notice, the Commission tentatively concluded that TRS and TRS providers should have the same National Security/Emergency Preparedness (NS/EP) designation as that given to LEC facilities under the Telecommunications Service Priority (TSP) system to ensure that persons with hearing and speech disabilities have access to telecommunications services during time of crisis.

SBC strongly supports the TSP program and believes it is vital to ensuring that certain priority telecommunications services are restored during an emergency. SBC, however, agrees with Verizon that the Commission's proposal to give TRS facilities NS/EP priority status is confusing and unclear. LEC facilities serving the general public do not have NS/EP priority status, thus, giving TRS facilities the same NS/EP priority status as LEC facilities serving the general public would, in actuality, result in no NS/EP priority status for TRS. The Commission should clarify its proposal. To the extent the Commission is proposing to give TRS facilities NS/EP priority status, SBC agrees with Verizon² that the Commission should not, at this juncture, adopt this proposal. As Verizon correctly points out in its comments,³ TSP is very complex. An extensive record should be developed prior to assigning NS/EP priority status to TRS to determine what, if any, impact such assignment would have on existing NS/EP priorities. The record in this proceeding is scant on this issue, rendering the Commission incapable of making an informed decision as to whether NS/EP priority status is warranted.

² Verizon Comments at 2-9.

³ *Id* at 8-9.

III. EMERGENCY CALL HANDLING OVER WIRELESS NETWORKS

Most Commenters⁴ overwhelmingly agreed with SBC that the Commission should not require TRS providers to transmit wireless emergency 711 calls with Phase I or Phase II E911 information to the same PSAPs that handle 911 calls. As the record demonstrates, it is technically infeasible for many TRS providers to comply with such a requirement because they cannot receive Phase I or Phase II E911 wireless data and/or do not have the capability to transmit the data to the appropriate PSAP. However, perhaps the most compelling argument against adoption of such a requirement is that TRS end users, like the general public, already have a viable mechanism for making emergency wireless calls. They can dial 911. Since wireless service providers must be able to transmit 911 calls using TTY devices, enforcement of this requirement would ensure the routing of emergency calls to the appropriate PSAP via 911 rather than 711.⁵ To mandate implementation of a whole new process for handling wireless emergency calls would prove duplicative, inefficient, costly and ultimately burdensome for the industry (TRS providers, wireless providers and LECs).

Further, as WorldCom suggests in its comments,⁶ it is unnecessary for the Commission to require a report from TRS providers a year from now on the availability of Phase I or II E911 information. To the extent the existing 911 process has any deficiencies with respect to TRS, the Commission and TRS industry should target their efforts to resolving those issues

⁴ AT&T Wireless Comments; Verizon Wireless Comments; AT&T Comments at 4-6; Verizon Comments 9-10; Sprint Comments at 3-8

⁵ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Fourth Report and Order, 15 FCC Rcd 25216, 25218 (2000). *See also* 47 C.F.R. § 20.18(c) and accompanying note (2001).

⁶ WorldCom Comments at 6.

IV. NON-ENGLISH LANGUAGE TRS

SBC opposes any requirement obligating TRS providers to offer non-English language relay service at the interstate or intrastate level. SBC agrees with Commenters⁷ that such a requirement would exceed the functional equivalency mandate imposed by the American Disabilities Act (ADA) because it would offer TRS users a capability not offered to traditional telephony users as part of their basic telecommunications service. Non-English language relay service does more than relay a conversation between two end users and, consequently, is a value-added TRS offering that does not meet the definition of “telecommunication relay service” as defined in the Act. As such, costs for providing non-English language relay service are not eligible for recovery from the Interstate TRS Fund. Moreover, to the extent TRS users in particular areas seek this value-added service, the market should drive its introduction and proliferation in the market, not regulation.

V. CART, INTERRUPT FUNCTIONALITY AND CONSUMER LEC OFFERINGS

SBC agrees with most Commenters⁸ that the Commission should not mandate CART technology as a minimum standard. As the record demonstrates, the number of available qualified CART-trained communications assistants would be insufficient to satisfy the demand if CART is required. Further, CART is not compatible with many existing TTY machines, thus further limiting the utility of the technology. Again, to the extent TRS users desire CART, the marketplace will respond accordingly.

As for interrupt functionality, as the record shows, this functionality is proprietary and to SBC’s knowledge currently available through only one provider. Thus, it would be difficult, if not impossible, to implement on an industry-wide basis. Further, and equally important,

⁷ AT&T Comments at 7; Missouri PSC Comments at 3; Verizon Comments at 12-13; California PUC Comments at 6-7.

interrupt functionality is not compatible with many existing TTY equipment used by the industry. Given these facts, the Commission should not require TRS providers to offer this functionality at this juncture.

SBC supports the ability of TRS users to have access to vertical services such as anonymous call rejection, call screening and preferred call forwarding. SBC, however, agrees with WorldCom⁹ that TRS facilities should only be required to provide such incoming call services to TRS users, upon request, to the extent such services are offered by the subscriber's LEC *and* the TRS facility possesses the necessary technology to pass the subscriber's ten-digit Caller ID information to the LEC.

VI. TECHNOLOGY

SBC agrees with Sprint¹⁰ that the Commission should not mandate the use of speech recognition, improved transmission speed or new transmission TTY protocols as a minimum standard. These enhanced technologies are not required to fulfill the functional equivalency mandate under the ADA. Consequently, the market, and not regulation, should drive their availability in the TRS community. As the traditional telephony marketplace has shown, where there is sufficient demand, the marketplace will respond with diverse and innovative products and services. The TRS market is no different. With sufficient demand, TRS providers will introduce innovative products and services to increase their competitive position.

⁸ California PUC Comments at 8; Sprint Comments at 11-12; WorldCom Comments at 8-9.

⁹ WorldCom Comments at 9.

¹⁰ Sprint Comments at 15-16.

VII. PUBLIC ACCESS TO INFORMATION AND OUTREACH

SBC agrees with Commenters¹¹ that TRS outreach efforts are necessary to educate the public about TRS. The Commission, however, must balance this interest against the costs associated with outreach, which could prove exorbitant for many TRS providers, thereby stifling the development and proliferation of creative and efficient TRS products. A national outreach program, funded by the Interstate TRS Fund, could effectively balance these interests by ensuring national education regarding TRS, while minimizing the costs of such outreach for TRS providers.

VIII. CONCLUSION

For the foregoing reasons, the Commission should not adopt the additional requirements proposed in the Notice as discussed herein.

Respectfully Submitted,

/s/ Davida M. Grant

Davida M. Grant

Gary L. Phillips

Paul Mancini

SBC Communications Inc

1401 Eye Street, NW

Suite 400

Washington, D.C. 20005

202-326-8903 – phone

202-408-8745 – facsimile

Its Attorneys

October 9, 2003

¹¹ Verizon Comments at 11-12; Florida Telecommunications Relay Comments; WorldCom Comments at 11; Communication Service for the Deaf Comments at 9-10; California PUC Comments at 11-12; Sprint Comments at 17.